

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 12/12/2022
DATE FILED: 12/12/2022

JASMINE TORO, on behalf of herself and all others
similarly situated,

Plaintiff,

-against-

CRAFTY GAMES, LLC,

Defendant.

1:22-cv-7253-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on August 25, 2022. [ECF No. 1]. An affidavit of service of summons and complaint was filed on the docket on October 28, 2022. [ECF No. 5]. According to that summons, Defendant's response to the complaint was due November 18, 2022. [ECF No. 5].

By November 28, 2022, Defendant had failed to timely answer or otherwise respond to the Complaint and Plaintiff had done nothing to prosecute the case. The Court thus ordered that Plaintiff file a letter by December 8, 2022, showing cause why this case should not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. [ECF No. 6]. Plaintiff was admonished that "she is ultimately responsible for prosecuting her case, and this case may be dismissed because of her chosen counsel's failure to prosecute her case." [ECF No. 6].

To date, no response has been filed and Plaintiff has not prosecuted this case. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by January 12, 2023. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v.*

Hall's Sec. Analyst, Inc., 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: December 12, 2022
New York, NY


MARY KAY VYSKOCIL
United States District Judge